

SN. 09/624,619

ATTORNEY DOCKET No. CANO:011

REMARKS

Applicants submit that the notice of non-response is improper because 1) the so called "details" alleged by the examiner are within the scope of elected invention and 2) the "details" were not restricted from the elected invention.

First, applicants submit that originally claimed "end position of the sheet" encompasses --a side edge-- called for in amended claim 11. In deciding whether the notice of non-response is proper, the scope of the original claim must be carefully examined. Original claim 11 recited "a detecting means [93] for detecting an end position of the sheet in a direction at a right angle relative to a conveying direction of the sheet." This passage can be interpreted several ways. For instance, it can be interpreted as "a detecting means for detecting {an end position of the sheet} in a direction at a right angle relative to a conveying direction of the sheet. Here, the phrase "in a direction at a right angle relative to a conveying direction of the sheet" modifies the "detecting means" rather than "an end position of the sheet," as disclosed in the present specification. As claim 11 does not particularly define the end position of the sheet, it can encompass a side or parallel edge (parallel along the conveying direction) or the traverse edge (perpendicular to the conveying direction). The side edge is thus within the scope of the original claim.

Alternatively, the passage in question also can be interpreted as "a detecting means for detecting {an end position of the sheet in a direction at a right angle relative to a conveying direction of the sheet}. Here, the phrase "in a direction at a right angle relative to a conveying direction of the sheet" modifies the end position of the sheet. Under this interpretation, the end position of the sheet is "in a direction at a right angle relative to a conveying direction of the sheet," which is the traverse edge.

Claim 11 was amended to clarify so that the passage in question cannot be read as the alternative interpretation. Note that the claims need to be interpreted in light of the specification. If several interpretations are possible, the correct interpretation should be one that is more consistent with the disclosure. In this regard, the examiner acknowledges that amended claim 11 refers to a detecting means (93) according to the disclosure. Indeed, this detecting means (93) is the same detecting means called for in original claim 11. Claim 11 was merely amended to

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clarify that the end position of the sheet refers to the side edge of the sheet. See pages 24 and 30-33 that refer to sensor 31 and sheet end detecting sensor 93. While the specification refers to "the sheet end," it is clear from the specification that the sheet end refers to the side edge when referring to the detecting means 93. The side edge is the edge that is parallel to the conveying direction as opposed to the traverse edge (perpendicular to the conveying direction), which is detected by the sheet detecting sensor 31. The specification clarifies that the passage "in a direction D-E at a right angle to the sheet conveying direction" modifies the movement of the detecting means 93, not the sheet end. See lines 22-26 of page 24. Moreover, the detecting means or sensor 93, which is described as a photocoupler having a light emitting part and a light receiving part positioned near the side edge of the sheet, is movable to search for the sheet end (side edge). See pages 24 (lines 17-20) and 30 (lines 24-26). Note that the sheet detecting sensor 31 detects the traverse edge, but the detecting means original claimed does not refer to sensor 31. Applicants submit that amended claim 11 is well within the scope of original claim 11 and the elected invention.

Second, the examiner did not restrict between a detecting means that detects a traverse edge versus a side edge. Accordingly, applicants had the right to further define its invention, which is well within the scope of the original disclosure.

Conclusion

Applicants submit that it is improper to issue a notice of non-response when applicants amended claim 11 within the scope of the elected invention. Accordingly, applicants urge the examiner/petitioning authority to withdraw the notice of non-response and have the examiner examine the Amendment filed August 15, 2002 on the merit.

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Petition Fee

The Commissioner is authorized to charge \$130 (or any additional fees required to maintain the pendency of this application) to Deposit Account No. 18-2056.

Respectfully submitted,

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LYLE KIMMS
REG. NO. 34079
Marc A. Rossi
Registration No. 31,923

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826
Phone: 703-726-6020